1	BARRY J. PORTMAN Federal Public Defender JOSH COHEN Assistant Federal Public Defender 19th Floor Federal Building 450 Golden Gate Avenue San Francisco, CA 94102 (415) 436-7700 Counsel for Defendant SMITH	
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6	Counsel for Defendant Sivil I H	
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8	IN THE UNITED STATES DISTRICT COURT	
9	FOR THE NORTHERN DISTRICT OF CALIFORNIA	
10		
11	UNITED STATES OF AMERICA,) No. CR-06-0172 CRB
12	Plaintiff,) STIPULATION AND [PROPOSED]) ORDER TO CONTINUE HEARING ON) DEFENDANT'S MOTION TO) SUPPRESS)
13	v.	
14	ROBERT SMITH,	
15	Defendant.) }
16)
17	On May 1, 2006, defendant Robert Smith appeared before this Court with his counsel,	
18	David W. Fermino. Mr. Fermino advised the Court that the defendant intended to file a motion	
19	to suppress statements he allegedly made to arresting agents. The Court directed the parties to	
20	agree to a briefing schedule and set the matter for hearing on June 8, 2006.	
21	Subsequently, undersigned counsel assumed responsibility for the case. Undersigned	
22	counsel has not yet had an opportunity to review the discovery and prepare the motion to	
23	suppress. Moreover, undersigned counsel will be unavailable from June 12, 2006 through June	
24	22, 2006. Government counsel will be in trial the week of June 26, 2006, and will be unavailable	
25	the weeks of July 3, 2006 and July 10, 2006.	
26	Accordingly, the parties hereby agree and stipulate that the motions hearing presently set	
	CR 06-0172 CRB; STIP TO CONTINUE MOTIONS HEARING	1

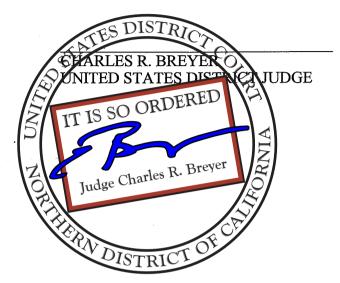
for June 8, 2006 shall be continued to July 26, 2006 at 2:15 PM. The parties further agree and 1 2 stipulate that the defendant shall file his motion on or before June 28, 2006. The government shall file any opposition to defendant's motion on or before July 21, 2006. The defendant shall 3 file any reply on or before July 24, 2006. 4 5 The parties further agree and stipulate that the time between May 1, 2006 and July 26, 2006 shall be excluded under the Speedy Trial Act. The parties agree that the requested 6 7 continuance is appropriate in the interests of continuity and effective preparation of counsel. 8 IT IS SO STIPULATED. Dated: 6/6/06 9 10 Federal Public Defender JOSH COHEN Assistant Federal Public Defender 11 12 Dated: 6 6 06 13 United States Attorney MICHELLE MORGAN-KELLY 14 Assistant United States Attorney 15 16 17 **ORDER** 18 19 Accordingly, and for good cause shown, the Court orders that the motions hearing presently scheduled for June 8, 2006 shall be continued to July 26, 2006 at 2:15 PM. The parties 20 21 are directed to adhere to the briefing schedule described above. 22 The Court further orders that the time from May 1, 2006 through July 26, 2006 shall be 23 excluded under the Speedy Trial Act. The Court finds that the ends of justice served by granting 24 the requested continuance outweigh the best interest of the public and the defendant in a speedy trial. This finding is based on the Court's determination that the failure to grant the continuance 25 would deny the defendant continuity of counsel and the reasonable time necessary for effective 26

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preparation of his defense, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO ORDERED.

Dated: June 8, 2006



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